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AMENDMENT OF THE TREATY BANNING NUCLEAR WEAPON TESTS IN THE ATMOSPHERE, IN OUTER SPACE AND UNDER WATER

Report of the First Committee

Rapporteur: Mr. Peter GOOSEN (South Africa)

I. INTRODUCTION

1. The item entitled "Amendment of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water" was included in the provisional agenda of the forty-ninth session of the General Assembly in accordance with Assembly resolution 48/69 of 16 December 1993.

2. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 2nd meeting, on 13 October 1994, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 53 to 66, 68 to 72 and 153. The deliberations on those items took place at the 3rd to 10th meetings, from 17 to 24 October (see A/C.1/49/PV.3-10). Structured discussions of specific subjects on the adopted thematic approach took place from 25 to 27 and on 31 October and 1 November. Consideration of draft resolutions on those items took place at the 12th to 16th meetings, on 3, 4, 7 and 9 November (see A/C.1/49/PV.12-16). Action on draft resolutions on those items took place at the 19th to 25th meetings, from 14 to 18 November (see A/C.1/49/PV.19-25).

4. In connection with item 56, the First Committee had before it the following documents:

(a) Letter dated 25 June 1994 from the Ministry for Foreign Affairs of Egypt to the Secretary-General transmitting the texts of the documents adopted by the Eleventh Ministerial Conference of the Movement of Non-Aligned Countries held at Cairo from 31 May to 3 June 1994 (A/49/287-S/1994/894 and Corr.1);

(b) Letter dated 17 October 1994 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General (A/49/532-S/1994/1179).

II. CONSIDERATION OF DRAFT RESOLUTION (A/C.1/49/L.9 and Rev.9)

5. On 31 October, Brunei Darussalam, Chile, Colombia, Costa Rica, Ecuador, India, Indonesia, Iran (Islamic Republic of), Mexico, Mongolia, Nepal, Nigeria, Singapore, Sri Lanka, the United Republic of Tanzania and Venezuela submitted a draft resolution entitled "Amendment of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water" (A/C.1/49/L.9), which was later also sponsored by the Libyan Arab Jamahiriya.

6. At the 12th meeting, on 3 November, the representative of Mexico, on behalf of the same sponsors, introduced a revised draft resolution (A/C.1/49/L.9/Rev.1), which was later also sponsored by the Bahamas, Malaysia, Peru, the Philippines, Thailand and Senegal. The revised draft resolution contained the following change: the first operative paragraph became the last preambular paragraph.

7. At its 21st meeting, on 16 November, the Committee adopted draft resolution A/C.1/49/L.9/Rev.1 by a recorded vote of 94 to 4, with 44 abstentions (see para. 8). The voting was as follows: 1/

In favour: Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

1/ Subsequently, the delegation of Djibouti indicated that it had intended to vote in favour of the draft resolution.

Against: Israel, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine.

III. RECOMMENDATION OF THE FIRST COMMITTEE

8. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Amendment of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water

The General Assembly,

Recalling its resolutions 44/106 of 15 December 1989, 45/50 of 4 December 1990, 46/28 of 6 December 1991, 47/46 of 9 December 1992 and 48/69 of 16 December 1993,

Reiterating its conviction that a comprehensive nuclear-test-ban treaty is the highest-priority measure for the cessation of the nuclear-arms race and for the achievement of the objective of nuclear disarmament,

Recalling the central role of the United Nations in the field of nuclear disarmament and in particular in the cessation of all nuclear-test explosions, as well as the persistent efforts of non-governmental organizations in the achievement of a comprehensive nuclear-test-ban treaty,

Conscious of the growing environmental concerns throughout the world and of the past and potential negative effects of nuclear testing on the environment,

Recalling its resolution 1910 (XVIII) of 27 November 1963, in which it noted with approval the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, 2/ signed on 5 August 1963, and requested the

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2/ United Nations, Treaty Series, vol. 480, No. 6964.

Conference of the Eighteen-Nation Committee on Disarmament 3/ to continue with a sense of urgency its negotiations to achieve the objectives set forth in the preamble to the Treaty,

Recalling also that more than one third of the parties to the Treaty requested the depositary Governments to convene a conference to consider an amendment that would convert the Treaty into a comprehensive test-ban treaty,

Recalling further that a substantive session of the Amendment Conference of the States Parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water was held in New York from 7 to 18 January 1991,

Reiterating its conviction that the Amendment Conference will facilitate the attainment of the objectives set forth in the Treaty and thus serve to strengthen it,

Noting with satisfaction the unilateral nuclear-test moratoria announced by several nuclear-weapon States,

Welcoming the decision of the Conference on Disarmament to give its Ad Hoc Committee on a Nuclear Test Ban a mandate to negotiate a comprehensive test ban, 4/

Recalling its recommendation that arrangements be made to ensure that intensive efforts continue, under the auspices of the Amendment Conference, until a comprehensive nuclear-test-ban treaty is achieved, and its call that all parties participate in, and contribute to the success of, the Amendment Conference,

Recalling also the decision adopted by the Amendment Conference 5/ to the effect that, since further work needed to be undertaken on certain aspects of a comprehensive test-ban treaty, especially those with regard to verification of compliance and possible sanctions against non-compliance, the President of the Conference should conduct consultations with a view to achieving progress on those issues and to resuming the work of the Conference at an appropriate time,

Welcoming the ongoing efforts being conducted by the President of the Amendment Conference,

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3/ On 26 August 1969, the Conference of the Eighteen-Nation Committee on Disarmament decided to change its name to the Conference of the Committee on Disarmament. That negotiating body became the Committee on Disarmament as from the tenth special session of the General Assembly. The Committee on Disarmament was redesignated the Conference on Disarmament as from 7 February 1984.

4/ See Official Records of the General Assembly, Forty-eighth Session, Supplement No. 27 (A/48/27), para. 31 (para. 2 of the quoted text).

5/ PTBT/CONF/13/Rev.1, para. 26.

Recalling finally the concluding statement 6/ made by the President of the Amendment Conference on the States Parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water at the special meeting of States parties held on 10 August 1993, in which broad agreement was found for:

(a) Pursuing work for a comprehensive test ban in the Amendment Conference and the Conference on Disarmament in a mutually supportive and mutually complementary manner;

(b) Holding another special meeting early in 1994 to review developments and assess the situation regarding a comprehensive test ban and to examine the feasibility of resuming the work of the Amendment Conference later that year;

(c) Promoting universality of a comprehensive test ban by having the President of the Amendment Conference liaise closely with the Conference on Disarmament and the five nuclear-weapon States;

1. Notes with satisfaction that in 1994 the Conference on Disarmament initiated the multilateral negotiation of a universal and effectively verifiable comprehensive nuclear-test ban, which would contribute effectively to the prevention of proliferation in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security;

2. Takes note of the intention of the President of the Conference to convene, after appropriate consultations and in the light of the work carried out by the Conference on Disarmament, another special meeting of the States parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, as envisaged by the General Assembly in its resolution 48/69, to review developments and assess the situation regarding a comprehensive test ban and to examine the feasibility of resuming the work of the Amendment Conference;

3. Recommends that arrangements be made to ensure the fullest possible participation of non-governmental organizations in the Amendment Conference;

4. Reiterates its conviction that, pending the conclusion of a comprehensive nuclear-test-ban treaty, the nuclear-weapon States should suspend all nuclear-test explosions through an agreed moratorium or unilateral moratoriums;

5. Decides to include in the provisional agenda of its fiftieth session the item entitled "Amendment of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water".

6/ A/48/381, annex.